IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 14159 of 2005

Between:

C. Durgaiah S/o Bala Lingam
R/o Narayakhed Medak District

..... PETITIONER

AND

1. The Regional Manager, APSRTC. Medak Region,Medak District
2. The Depot Manager APSRTC., Narayankhed Bus Depot, Medak District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No. 02/95(48)/97-NKD, dated 13-01-1998 as illegal, arbitrary and unjust and consequently set aside the proceedings No. 02/95(48)/97-NKD, dated 13-01-1998 issued by the 2nd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner praying for the issue of writ of Mandamus declaring the proceedings of the second respondent dated 13.01.1998 as illegal and without jurisdiction.

According to the petitioner, he was charge sheeted by the second respondent and he was called upon to submit his explanation. The petitioner accordingly submitted his explanation. Thereafter, the second respondent, if he is not satisfied with the explanation, instead of conducting regular departmental enquiry, imposed punishment of withholding two annual increments with cumulative effect. According to the petitioner, the said punishment imposed is a major punishment and the same cannot be imposed, unless a regular departmental enquiry is conducted by the respondents. Therefore, he sought for setting aside the impugned order.

The learned Standing Counsel appearing for the respondents however contended that the order was passed as early as in the year 1998 and the petitioner has now come up with the present writ

petition after lapse of seven years. Therefore, there is no merit warranting interference.

Heard both sides and considered the material on record.

Prima facie, the impugned order is illegal and unsustainable. However, as the petitioner approached this Court after lapse of seven years, this Court inclines to modify the order of the disciplinary authority, the second respondent herein, to that of withholding annual increments for a period of two years without cumulative effect. However, it is made clear that with reference to the said modification, the petitioner is not entitled to any monetary benefit prior to filing of the writ petition and it is only from the date of the order, he is entitled for all the benefits that are available as a result of this order.

The writ petition is accordingly disposed of. No costs.

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01.07.2005

VGB

To

1. The Regional Manager, APSRTC. Medak Region,Medak District.
2. The Depot Manager APSRTC., Narayankhed Bus Depot, Medak District.
3. 2CD copies.